

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Dennis L. Montgomery

Examiner: Michael O'Neill

Group Art Unit: 3713

Serial No. 09/991,531

Atty Docket No. 042503-027332 2803

Filed: November 21, 2001

ET-012 250

For: Data Gathering in Games of
Chance

Confirmation No. 3106

APPELLANT'S BRIEF ON APPEAL
(37 C.F.R. 1.192)

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By: Bobbie Juras
Bobbie Juras

Appellant's Brief
Ser. No. 09/991,531

Page 1

that exists to estimate a number of the plurality of objects." Thus, Fishbine does not suggest or disclose Appellant's claimed invention.

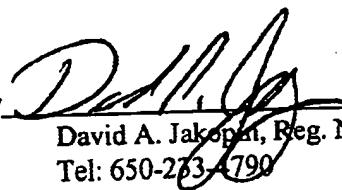
IX. Conclusion

For the reasons advanced above, Appellant concludes that the rejection of claims 1-31 as being anticipated under 35 USC §102(b) in view of Fishbine is improper.

Accordingly, Appellant respectfully submits that the Examiner's Final Rejection on June 10, 2004 should be reversed and all claims allowed by this Honorable Board.

Respectfully submitted,
PILLSBURY WINTHROP LLP

By


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In re PATENT APPLICATION of
Montgomery

Serial No. 09/991,531

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Confirmation No. 3106
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Atty Docket No. 042593-0273332Examiner: M. O'Neill
Group Art Unit: 3713CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to 703-872-9306, MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on October 12, 2004.

By Kathleen M. Smith
Kathleen M. Smith

RESPONSE TO OFFICE ACTION

MAIL STOP AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

This is a Response to the Office Action mailed June 10, 2004.

Request for Extension

Applicant requests a one month extension of time from September 10, 2004 to the date hereof to submit this Response. The Commissioner may charge Deposit Account 50-2213 (042503-0273332) for the requisite one-month small entity extension fee of \$55.00.

Please consider the following Remarks.

Serial No. 09/991,531

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end 3 pm of 12/10